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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,444	02/23/2004	Andy Baker	M-022004-AB	8272
7590	07/13/2006		EXAMINER SUTHAR, RISHI S	
Derek R. Van Gilder 916 Main Street Bastrop, TX 78602			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/784,444	Applicant(s) BAKER, ANDY	
	Examiner Rishi Suthar	Art Unit 2851	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040223</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The Information Disclosure Statement filed on 2/23/04 has been considered, but there are no references listed in the IDS.

### ***Claim Objections***

1. Claims 18-22 recite the limitation "the photographic subject". There is insufficient antecedent basis for this limitation in the claim.
2. Claim 21 recites the limitation "the horizontal swivel yoke". There is insufficient antecedent basis for this limitation in the claim.
3. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Dependent claim 14 fails to identify the claim from which it depends. Thus, it is an improper dependent claim and fails to comply with 37 CFR 1.75(c). Prior art is not considered with respect to claim 14 at this time because it fails to identify the previous claim from which it depends.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yanagisawa (US 5,223,875).

Yanagisawa teaches a camera on a swivel base (2), at least one swivel motor (see Fig. 1), an electronic receiver (3), an electronic transmitter (4), for electronic communication of camera operational direction to the electronic receiver; a bidirectional swivel base for horizontal swiveling; and manual control (switches B1-B4 on transmitter 4) for manual positioning of the camera.

6. Claims 1-13, 16, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Leavitt et al. (US 3,638,502).

Leavitt et al. teaches in Fig. 1, 2, 7 and 8 a camera (20) on a swivel base having at least one swivel motor proximate the swivel base; at least one electronic receiver (see Fig. 8) in electronic control communication with the swivel motor; at least one electronic transmitter (see Fig. 7), the electronic transmitter being articulated for being positioned proximate a photographic subject for operating the camera selectively; a bidirectional swivel base; the transmitter being capable of transmitting a rotational direction; manual control of the camera to override the fixed rotating and positioning; a

universal swivel base (14) with a vertical swivel motor (69) and a horizontal swivel motor (93); a universal electronic receiver (see Fig. 8) and transmitter (Fig. 7) for being positioned proximate the photographic subject; and the manual controller including a universal knob and a four directionally slidable control (see Fig. 7); zoom adjustment for operation by the electronic transmitter (96).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leavitt et al. (US 3,638,502) in view of Cohodar (US 5,012,335).

Leavitt et al. teaches the invention as claimed above in claims 1, 8 and 18, but does not expressly disclose any audio recording capability. Cohodar teaches a remotely operated camera with audio recording capability, where the electronic receiver (12) includes electronic control of the audio recording capability; an electronic transmitter includes electronic communication of the audio recording capability to the electronic receiver; and an audio controller is positioned on the electronic transmitter for manual operation by the photographic subject. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide audio recording capability and control in the camera and transmitter of Leavitt et al. in order to allow for directional

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sound recording to pick up sounds associated only within the recording frame and to facilitate remote operation of the camera assembly. (see col. 4, lines 16-23 and col. 5, lines 24-33).

9. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagisawa (US 5,223,875) in view of Leavitt et al. (US 3,638,502).

Yanagisawa teaches a camera on a swivel base (2), a vertical and horizontal swivel motor (see Fig. 1), a digital universal receiver (3), a digital universal transmitter (4), for electronic communication of camera operational direction to the electronic receiver; a bidirectional swivel base for horizontal swiveling; and manual control (B1-B4 on transmitter 4) for manual positioning of the camera. Yanagisawa does not expressly disclose a universal swivel base having a horizontal swivel yoke and the vertical motor being positioned on the swivel yoke for rotating the camera vertically. Leavitt et al. teaches a universal swivel with a horizontal motor and vertical motor for remotely moving the position of a camera through a transmitter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a universal swivel as taught by Leavitt et al. in the camera housing of Yanagisawa since universal swivels are well known for saving space in swiveling applications and since they provide accurate alignment.

### ***Telephone Numbers***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rishi Suthar whose telephone number is 571-272-8456. The examiner can normally be reached on M-Th 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**William Perkey**  
**Primary Examiner**

Rishi Suthar  
Examiner  
Art Unit 2851

RS  
July 6, 2006